

AGREEMENT AND DECLARATION OF TRUST
ESTABLISHING
THE CONSTRUCTION AND GENERAL LABORERS'
DISTRICT COUNCIL OF CHICAGO AND VICINITY
TRAINING TRUST FUND

THIS AGREEMENT AND DECLARATION OF TRUST, made and entered into as of the 1st day of June, 1986 by and between THE CONSTRUCTION AND GENERAL LABORERS' DISTRICT COUNCIL OF CHICAGO AND VICINITY, A.F.L.-C.I.O., representing its affiliated Local Unions and the members thereof (the "Council") and the BUILDERS' ASSOCIATION OF CHICAGO, the UNDERGROUND CONTRACTORS ASSOCIATION, and the ILLINOIS ROAD BUILDERS' ASSOCIATION, and all other employer associations (the "Associations") who have hereto bargained or may hereafter bargain or enter into collective bargaining agreements or other agreements with the Union, its local affiliates, or with representatives of this Trust, for and on behalf of themselves and their respective members who by virtue of their said membership or otherwise are parties to collective bargaining agreements with the Union or any of its local affiliates or are parties to this Agreement or are otherwise bound to the provisions hereof as hereinafter provided, and other employers in the building and construction industry who may not be members of any association but who are included in the term "Employers" (as defined in Section 2 of ARTICLE I) and agree to be bound by this Agreement or who are otherwise so bound as provided as set forth in Section 2 of ARTICLE I;

WITNESSETH:

(1) The Employers are parties to a collective bargaining agreement, or supplements thereto, with the Council which requires



Employer contributions of a certain sum per hour per Employee to a training fund provided in a program to be created for participating employees and established by this trust agreement.

(2) the parties have agreed that such contributions shall be payable to and be deposited in the Trust Fund created and established by this Trust Agreement.

NOW, THEREFORE, in consideration of the premises and in order to establish and provide for the maintenance of said Trust Fund to be known as "THE CONSTRUCTION AND GENERAL LABORERS' DISTRICT COUNCIL OF CHICAGO AND VICINITY TRAINING TRUST FUND" hereinafter referred to as the "Trust Fund," it is mutually understood and agreed as follows.

ARTICLE I

Definitions

Unless the context or subject matter otherwise requires, the following definitions shall govern in this Trust Agreement.

Section 1. WRITTEN AGREEMENT

The term "Written Agreement" shall mean any agreement in writing which specifies the detailed basis on which contributions shall be made to this Trust together with any modification, amendment or renewals thereof, including but not limited to Collective Bargaining Agreements, memoranda of understanding which incorporate by reference Collective Bargaining Agreements or this Agreement, report forms in accordance with which contributions are made and which obligate the Employer to the provisions of this Agreement, or any other agreement obligating the Employer signatory thereto to participate in or be bound by this Agreement.

signatory association, nor any officers, agent, employee or committee member of the Employers, or of any signatory association shall be liable to make contributions to the Fund or be under any other liability to the Fund or with respect to the Training Program, except to the extent that he may be an individual Employer required to make contributions to the Fund with respect to his or its own individual or joint venture operations, or to the extent he may incur liability as a Trustee, as hereinafter provided. The liability of any individual Employer to the Fund, or with respect to the Training Program shall be limited to the payments required by any written agreement with respect to his or its individual or joint venture operations, and in no event shall he or it be liable or responsible for any portion of the contributions due from other individual Employers with respect to the operations of such Employers. The individual Employers shall not be required to make any further payments or contributions to the cost of the operations of the Fund or of the Training Program, except as provided in Section 8 of this Article.

Section 6. Neither the Employers, any signatory association, any individual Employer, the Council, nor any employee shall be liable or responsible for any debts, liabilities or obligations of the Fund or the Trustees.

Section 7. Contributions to the Fund shall be due and payable to the principal office of the Fund and shall be made in regular monthly installments except as otherwise herein provided in Section 9 of this Article II. Each contribution to the Fund shall be made promptly, and in any event on or before the 10th day

of the calendar month in which it becomes due and payable. Each monthly contribution shall include all payments which have accrued in the interim for work performed up to the close of the Employer's payroll period ending closest to the last day of the preceding calendar month. Each monthly contribution shall be accompanied by a report in a form prescribed by the Board of Trustees.

Section 8. The parties recognize and acknowledge that the regular and prompt payment of Employer contributions and reports to the Fund are essential to the maintenance of the Fund and that it would be extremely difficult, if not, impracticable, to fix the actual expense and damage to the Fund and to the Training Program which would result from the failure of an Employer to pay such monthly contributions in full within the time provided above. Therefore, if any Employer is delinquent in remitting its contributions within the time specified in Section 7 of this Article, the amount of damage to the Fund and Training Program resulting from failure to make reports or pay contributions within the time above specified shall be presumed to be the sum of ten percent (10%) of the amount of the contribution due for each delinquent report or contribution. This amount shall be added as liquidated damages upon the day immediately following the date on which the report or the contribution or contributions become delinquent. Delinquent contributions and penalties shall also bear interest at a rate up to the prime rate of interest as recognized by the First National Bank of Chicago or such other lawful amount as determined by the Trustees from the due date until

delinquency is totally satisfied. The Trustees, however, in their discretion, for good cause (Trustees shall have sole right to determine what shall constitute good cause) shall have the right and power to waive all or any part of any sums due the Fund as liquidated damages. Failure by any Employer to make the required payments hereunder shall be deemed a breach of the written agreement by the Employer and be subject to economic action by the Council in addition to the other remedies as provided herein. The Trustees may, at their option, also take legal action to collect all delinquent amounts owing to the Fund, and parties agree that if the delinquent account of any Employer is referred to an attorney for collection, such Employer shall immediately become liable for a reasonable sum for the attorneys' fee together with an amount equal to all costs incurred by the Trustees in commencing or prosecuting legal action in any Court. In such legal action, venue shall be laid at Cook County, Illinois, as the Fund is administered in such county.

Section 9. In the case of certain Employers who have defaulted on payments in the past, or who otherwise give the Trustees reasonable cause to feel insecure as to future contributions, the Trustees shall have the power to require a bond for the payment of contributions.

ARTICLE III

Board of Trustees

Section 1. Except as otherwise specifically provided, the Fund shall be operated and administered by a Board of Trustees whose membership shall consist of three persons appointed as trustees by the Association (known as the "Association Appointed

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PENSION AND WELFARE FUNDS OF CHICAGO LABORERS
B & M INTERNATIONAL CONSTRUCTION

Case #: CHLAB-1007-1520 Year Ended: May, 2004

Contract: CCA & *CCA

Contributions computed by Amount per Hour

SSN	Name	JUN 2003	JUL 2003	AUG 2003	SEP 2003	OCT 2003	NOV 2003	DEC 2003	JAN 2004	FEB 2004	MAR 2004	APR 2004	MAY 2004	Total
35332-4485	* HRYSKO, HOR										1.00			1.00
	Total Hours										1.00			1.00

Rate Table

Welfare Fund	\$4.1700										4.17			4.17
Pension Fund	\$3.3800										3.38			3.38
Training Fund	\$0.1700										.17			.17
IAF	\$0.0700										.07			.07
LESLMCC	\$0.1200										.12			.12
LESET	\$0.0600										.06			.06
Total											7.97			7.97



PENSION AND WELFARE FUNDS OF CHICAGO LABORERS
B & M INTERNATIONAL CONSTRUCTION
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Contributions computed as Percentage of Dollars Paid

SSN	Name	JUN 2003	JUL 2003	AUG 2003	SEP 2003	OCT 2003	NOV 2003	DEC 2003	JAN 2004	FEB 2004	MAR 2004	APR 2004	MAY 2004	Total
353-02-5485	* HRYSKO, IHOR													29.00
	Total Dollars Paid										28.00			28.00
Dues	1.7500%													.51
Total														.51

LABORS FIELD DEPT

PENSION AND WELFARE FUNDS OF CHICAGO LABORERS
B & M INTERNATIONAL CONSTRUCTION

Case #: CHLab-1007-1620 Year Ended: May, 2005
Contract: CCA & *CCA

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Contributions computed by Amount per Hour

SSN	Name	JUN 2004	JUL 2004	AUG 2004	SEP 2004	OCT 2004	NOV 2004	DEC 2004	JAN 2005	FEB 2005	MAR 2005	APR 2005	MAY 2005	Tot
333-84-7537	* DOMANOWSKI, A													
004-06-3406	* OZEKEVICH, MAR									2.00		3.00		
330-96-9882	* JELEN, JOZEF				56.00									
	Total Hours				56.00					2.00		3.00		

Rate Table

Welfare Fund	\$5,3100				353.36					12.62		18.93		38
Pension Fund	\$3,4400				192.64					6.68		10.32		20
Training Fund	\$0.1700				9.52					.34		.51		1
IAF	\$0.0700				3.92					.14		.21		
LDCLMCC	\$0.1200				6.72					.24		.36		
LECET	\$0.0600				3.36					.12		.18		
Total					569.62					20.34		30.51		62

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PENSION AND WELFARE FUNDS OF CHICAGO LABORERS
 B & M INTERNATIONAL CONSTRUCTION
 Case #: CHLab-1007-1520 Year Ended: May, 2005
 Contract: CCA & *CCA

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Contributions computed as Percentage of Dollars Paid

SSN	Name	JUN 2004	JUL 2004	AUG 2004	SEP 2004	OCT 2004	NOV 2004	DEC 2004	JAN 2005	FEB 2005	MAR 2005	APR 2005	MAY 2005	Total
833-84-7537	* DOMANOWSKI, A									58.00	101.50	87.00		87
004-06-3406	* DZEKEVICH, MAR				1,624.00									1,524
330-96-9882	* JELEN, JOZEF				1,624.00					68.00	101.50	87.00		1,870
Total Dollars Paid					1,624.00									

Dues	1.7500%				28.42					1.02	1.78	1.52		32.
Total					28.42					1.02	1.78	1.52		32.

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PENSION AND WELFARE FUNDS OF CHICAGO LABORERS
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Contributions computed by Amount per Hour

SSN	Name	JUN 2006	JUL 2005	AUG 2005	SEP 2005	OCT 2005	NOV 2005	DEC 2005	JAN 2006	FEB 2006	MAR 2006	APR 2006	MAY 2006	Tot
004-06-3406	DZEKEVICH, MAR		8.00				5.00							
344-98-6595	LYASH, ROMAN		3.00											
349-96-1805	VYSHNEVSKIY, S		14.50											
	Total Hours		25.50				5.00							

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Rate Table

Welfare Fund	\$6,8600	174.93					34.30							21
Pension Fund	\$3,9400	100.47					19.70							12
Training Fund	\$0.1700	4.34					.85							
IAF	\$0.0700	1.79					.35							
LDCLMCC	\$0.1200	3.06					.60							
LECET	\$0.0600	1.53					.30							
Total		286.11					58.10							34

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PENSION AND WELFARE FUNDS OF CHICAGO LABORERS
 B & M INTERNATIONAL CONSTRUCTION
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 Contract: CCA & CCA

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Contributions computed as Percentage of Dollars Paid

SSN	Name	JUN 2005	JUL 2005	AUG 2005	SEP 2005	OCT 2005	NOV 2005	DEC 2005	JAN 2006	FEB 2006	MAR 2006	APR 2006	MAY 2006	Tot
333-84-7537	* DOMANOWSKI, A								43.85					5
004-06-3406	* DZEKEWICH, MAR		356.25				152.50							5
344-98-6595	* LYASH, ROMAN		87.00											3
349-98-1805	* VYSHNEVSKIY, S		373.25											3
Total Dollars Paid			816.50				162.50		43.85					1.0

Dues	1.7500%		14.27				2.67		.76					
Total			14.27				2.67		.76					

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PENSION AND WELFARE FUNDS OF CHICAGO LABORERS
B & M INTERNATIONAL CONSTRUCTION

Case #: CHLAB-1007-1520 Year Ended: May, 2007
Contract: CCA & CCA

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Contributions computed by Amount per Hour

SSN	Name	JUN 2006	JUL 2006	AUG 2006	SEP 2006	OCT 2006	NOV 2006	DEC 2006	JAN 2007	FEB 2007	MAR 2007	APR 2007	MAY 2007	Total
982-73-0416	* BALINSKI, TOMAS													3
333-84-7537	* DOMANOWSKI, A	8.00							7.50	1.50	11.00	18.00	14.00	3
004-06-3406	* DZEKEVICH, MAR	8.00						7.50	84.00			44.50		14
328-04-7750	* GRZYNYUK, PETR	8.00										4.00	20.00	3
415-91-3009	* LAPINSKY, YARO							10.00	12.00			12.00		3
349-96-1805	* VYSHNEVSKIY, S	8.00												3
	Total Hours	32.00						17.50	103.50	1.50	11.00	78.50	34.00	27

Rate Table

Welfare Fund	\$7.4500	238.72												
Pension Fund	\$4.8400	154.88						130.55	772.11	11.19	82.06	585.61	253.84	2.07
Training Fund	\$0.1700	5.44						84.70	500.94	7.26	53.24	379.94	164.56	1.34
IAF	\$0.0700	2.24						2.98	17.60	.26	1.87	13.35	5.79	.47
LDCLMCC	\$0.1200	3.84						1.23	7.25	.11	.77	5.50	2.38	.19
LECET	\$0.0600	1.92						2.10	12.42	.18	1.32	8.42	4.08	.33
Total		407.04						222.60	1,316.52	18.08	139.82	998.82	432.48	3.53

PENSION AND WELFARE FUNDS OF CHICAGO LABORERS
B & M INTERNATIONAL CONSTRUCTION

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Contract: CCA & VCCA

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Contributions computed as Percentage of Dollars Paid

SSN	Name	JUN 2006	JUL 2006	AUG 2006	SEP 2006	OCT 2006	NOV 2006	DEC 2006	JAN 2007	FEB 2007	MAR 2007	APR 2007	MAY 2007	Total
982-73-0416	* BALINSKI, TOMAS													
333-84-7537	* DOMANOWSKI, A			244.00					228.75	45.75	335.50	549.00	579.30	1,12
004-06-3408	* DZEKEVICH, MAR			244.00				228.75	2,562.00					85
328-04-7750	* GRINYUK, PETR			244.00								1,357.25		4,38
415-91-3009	* LAPINSKY, YARO							305.00	366.00			122.00	776.80	1,14
349-88-1805	* VYSHNEVSKY, S			244.00								366.00		1,03
Total Dollars Paid				976.00				533.75	3,156.75	45.75	335.50	2,394.25	1,356.10	8,798
Dues	1.7500%			17.08				9.34	55.24	.80	5.87	41.90	23.73	153
Total				17.08				9.34	56.24	.80	5.87	41.90	23.73	163

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PENSION AND WELFARE FUNDS OF CHICAGO LABORERS
B & M INTERNATIONAL CONSTRUCTION
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Contract CCA & *CCA

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Employees

Contributions computed by Amount per Hour

SSN	Name	JUN 2007	JUL 2007	AUG 2007	SEP 2007	OCT 2007	NOV 2007	DEC 2007	JAN 2008	FEB 2008	MAR 2008	APR 2008	MAY 2008	Total
333-84-7537	* DOMANOWSKI, A			1.00										1
004-08-3406	* DZEKEVICH, MAR			2.00	20.00									22
326-04-7750	* GRINYUK, PETR			1.00										1
415-81-3009	* LAPINSKY, YARO			24.50										24
	Total Hour			26.50	20.00									48

Rate Table

Welfare Fund	\$7.9700			227.15	159.40									386
Pension Fund	\$5.8800			161.88	113.60									275
Training Fund	\$0.2200			6.27	4.40									10
IAF	\$0.0700			2.00	1.40									3
UDCLMCC	\$0.1200			3.42	2.40									5
LECET	\$0.0600			1.71	1.20									2
Total				402.42	282.40									684

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PENSION AND WELFARE FUNDS OF CHICAGO LABORERS
B & M INTERNATIONAL CONSTRUCTION

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Contributions computed as Percentage of Dollars Paid

SSN	Name	JUN 2007	JUL 2007	AUG 2007	SEP 2007	OCT 2007	NOV 2007	DEC 2007	JAN 2008	FEB 2008	MAR 2008	APR 2008	MAY 2008	Total
333-84-7537	* DOMANOWSKI, A			33.15										33.15
004-06-3406	* DZEKEVICH, MAR			66.30	462.95									529.25
326-04-7750	* GRINYUK, PETR			33.20										33.20
415-91-3009	* LAPINSKY, YARO			812.18										812.18
	Total Dollars Paid			944.83	462.95									1,407.78

Dues	2.7500%			25.98	12.73									38.71
Total				25.98	12.73									38.71

**PENSION AND WELFARE FUNDS OF CHICAGO LABORERS
& M INTERNATIONAL CONSTRUCTION**

Case #: CHLab-1007-1520 Year Ended: May, 2006
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Others/Unknown

Contributions computed by Amount per Hour

SSN	Name	JUN 2005	JUL 2005	AUG 2005	SEP 2005	OCT 2005	NOV 2005	DEC 2005	JAN 2006	FEB 2006	MAR 2006	APR 2006	MAY 2006	Total
982-73-0416	* BALINSKI, TOMAS									3.00				3
	Total Hours									3.00				3

Rate Table

Welfare Fund	\$6,8800									20.58				20
Pension Fund	\$3,9400									11.82				11
Training Fund	\$0.1700									.51				1
Total										32.91				32

**PENSION AND WELFARE FUNDS OF CHICAGO LABORERS
B & M INTERNATIONAL CONSTRUCTION**

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Others/Unknown

Contributions computed by Amount per Hour

SSN	Name	JUN 2007	JUL 2007	AUG 2007	SEP 2007	OCT 2007	NOV 2007	DEC 2007	JAN 2008	FEB 2008	MAR 2008	APR 2008	MAY 2008	Total
982-73-0416	* BALINSKI, TOMAS					72.00								72.00
333-84-7637	* DOMANOWSKI, A					40.00								40.00
326047750	* GRZYNYUK, PETR					45.00								45.00
415-91-3008	* LAPINSKY, YARO					69.00								69.00
Total Hours						226.00								226.00

Rate Table

Welfare Fund	\$7.8700					1,801.22								1,801.22
Pension Fund	\$5.6600					1,283.68								1,283.68
Training Fund	\$0.2200					49.72								49.72
Total						3,134.62								3,134.62

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**PENSION AND WELFARE FUNDS OF CHICAGO LABORERS
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Subcontractors

Contributions computed by Amount per Hour

SSN	Name	JUN 2007	JUL 2007	AUG 2007	SEP 2007	OCT 2007	NOV 2007	DEC 2007	JAN 2008	FEB 2008	MAR 2008	APR 2008	MAY 2008	Total
98-2730416	BALINSKI, T					40.00								
33-3847537	DOMANOWSKI, A					18.00								
32-6047760	GRYNYUK, P					23.00								
41-6913009	LAPINSKI, Y					26.00								
Total Hours						107.00								11

Rate Table

AF	\$0.0700					7.49								
LDCLMCC	\$0.1200					12.84								
LECET	\$0.0600					6.42								
Total						26.75								

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Subcontractors

Contributions computed as Percentage of Dollars Paid

SSN	Name	JUN 2007	JUL 2007	AUG 2007	SEP 2007	OCT 2007	NOV 2007	DEC 2007	JAN 2008	FEB 2008	MAR 2008	APR 2008	MAY 2008	Total
98-2730416	*BALINSKI, T					1,326.80								1,326.80
33-3847537	*DOMANOWSKI, A					596.70								596.70
32-6047750	*GRYNYUK, P					762.45								762.45
41-5913009	*LAPINSKI, Y					861.90								861.90
	Total Dollars Paid					3,547.85								3,547.85

Dues	2.7500%					97.57								97.57
Total						97.57								97.57

LABORERS' PENSION & WELFARE FUNDS

3/13/2008

AUDIT

EMPLOYER B&M INTERNATIONAL CONSTRUCTION CODE 30325

FOLLOWING ARE THE FIGURES OWED BY THE ABOVE MENTIONED CONTRACTOR AS A RESULT OF THE AUDIT.

2-1-04-10-31-07 ADDITIONAL HOURS	HOURS	WELFARE		RATE	PENSION		RATE	TRAINING		DUES	LDCLMCC		RATE	MCIAF		RATE	CAICA		RATE	LECET		RATE	CISCO		RATE	TOTAL
		HOURS	WELFARE	RATE	PENSION	RATE	FUND	RATE	FUND		LDCLMCC	RATE		MCIAF	RATE		CAICA	RATE		LECET	RATE		CISCO	RATE		
2-1-04-5-31-04	1.00	4.17	4.17	4.17	3.38	3.38	0.17	0.17	0.17	0.51	0.12	0.12	0.07	0.07	0.07	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	8.48
6-1-04-5-31-05	61.00	384.91	6.31	209.84	3.44	10.37	10.37	0.17	32.73	32.73	7.32	0.12	4.27	4.27	0.07	3.66	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	633.11
6-1-05-5-31-06	30.50	209.23	6.86	120.17	3.94	5.19	5.19	0.17	17.70	17.70	3.66	0.12	2.14	2.14	0.07	1.83	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	329.91
6-1-06-5-31-07	278.00	2,073.88	7.46	1,345.52	4.84	47.26	47.26	0.17	153.97	153.97	33.36	0.12	19.46	19.46	0.07	16.68	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	3,690.11
6-1-05-5-31-06	3.00	20.58	6.86	11.82	3.94	0.51	0.51	0.17	0.51	0.51	0.12	0.12	0.07	0.07	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	32.91
6-1-07-10-31-07	48.50	386.55	7.97	275.48	5.68	10.67	10.67	0.22	38.71	38.71	5.82	0.12	3.40	3.40	0.07	2.91	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	723.54
6-1-07-10-31-07	226.00	1,801.22	7.97	1,283.68	5.68	49.72	49.72	0.22	97.57	97.57	12.84	0.12	7.49	7.49	0.07	6.42	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	3,134.62
6-1-07-10-31-07	107.00	-	-	-	-	-	-	-	-	97.57	12.84	0.12	7.49	7.49	0.07	6.42	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	44.32
SUBTOTAL	755.00	4,880.54	-	3,249.89	-	123.89	-	-	341.19	-	63.12	-	36.83	-	-	31.56	-	-	-	-	-	-	-	-	-	8,727.02
10% PENALTIES		269.28	-	169.07	-	6.35	-	-	34.12	-	6.31	-	2.59	-	-	3.16	-	-	-	-	-	-	-	-	-	800.88
20% PENALTIES		437.55	-	311.83	-	12.08	-	-	-	-	-	-	2.18	-	-	-	-	-	-	-	-	-	-	-	-	633.64
AUDIT COSTS		647.50	-	647.50	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,095.00
ATTORNEY FEES		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
ACCUM. PENALTIES		438.35	-	312.40	-	-	-	-	13.82	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	564.57
SHORTAGES		-	-	-	-	-	-	-	200.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	200.00
ACCUM. INTEREST		376.87	-	232.22	-	9.43	-	-	-	-	6.04	-	3.59	-	-	3.04	-	-	-	-	-	-	-	-	-	631.19
TOTAL DUE		7,050.09	-	4,922.91	-	151.75	-	-	589.13	-	75.47	-	45.19	-	-	37.76	-	-	-	-	-	-	-	-	-	12,892.30



**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LABORERS' PENSION FUND et al.,)	
Plaintiffs,)	Case No. 08 C 250
v.)	
)	Judge ASPEN
B & M INTERNATIONAL CONSTRUCTION,)	
an Illinois corporation, and PAWEL MALECKI,)	
individually,)	
Defendants.)	

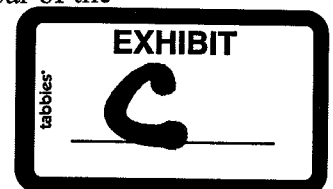
DECLARATION OF CHARLES INGRASSIA

I, CHARLES INGRASSIA, declare and state as follows:

1. I am Funds Counsel for Plaintiffs Laborers' Pension Fund and Laborers' Welfare Fund of the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity (the "Funds"), Plaintiffs in the above-referenced action. This Declaration is submitted in support of the Funds' Motion for Summary Judgment against Defendant Hessen Pressure Washing, Inc., d/b/a Hessen Pressure Washing, Inc.

2. Shareholders of the law firms of Allison, Slutsky & Kennedy, out-of-house collection counsel for the Laborers' Funds, bill the Laborers' Funds at a rate of \$175.00 per hour. Affiant, as in-house counsel for the Funds has first-hand knowledge that the hourly rate of \$175.00 has been found reasonable and has been awarded by many courts in collection proceedings.

3. In house counsel Patrick T. Wallace received a Bachelor of Arts Degree from the University of Illinois at Urbana- Champaign in 1992 and a Juris Doctor Degree from the University of DePaul College of Law in 1995. He was admitted to the bar of the



State of Illinois in November 1995 and to the bar of the United States District Court for the Northern District of Illinois in December 1995. He has also been admitted to the bar of the United States District Court for the Central District of Illinois. He was admitted to the Trial Bar of the Northern District of Illinois on September 20, 2000. From November 1995 to August 2000 he practiced labor and employment law as an associate at the law firm of Katz, Friedman, Eagle, Eisenstein & Johnson (formerly Katz, Friedman, Schur & Eagle). In September 2000, he became Funds Counsel for the Laborers' Pension Fund and Laborers' Welfare Fund for the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity.

4. Jerrod Olszewski, in-house counsel for the Chicago Funds, received a Bachelor of Arts Degree from Benedictine University in 1993 and a Juris Doctor Degree from the John Marshall Law School in 2002. He was admitted to the bar of the State of Illinois in May, 2002, and to the bar of the United States District Court for the Northern District of Illinois in May, 2002. From May, 2002 to December, 2004, he practiced labor and employment law as an associate at the law firm of Katz, Friedman, Eagle, Eisenstein & Johnson, former out-of-house counsel to the Laborers' Funds, with the majority of my work being spent representing the Laborers' Funds. In December, 2004, he became in-house counsel for the Funds.

5. Christina Krivanek received a Bachelor of Arts Degree from The Ohio State University in 2002 and a Juris Doctor Degree from the DePaul University College of Law in 2005. She was admitted to the bar of the state of Illinois in November 2005 and to the bar of the United States District Court for the Northern District of Illinois in January 2006. In January 2006, she became in-house counsel for the Laborers' Pension

Fund and Laborers' Welfare Fund for the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity. Based on the foregoing, \$175.00 represents a fair and reasonable market rate for her in-house legal services to the Funds in this matter.

6. Amy N. Carollo received a Bachelor of Arts Degree from Illinois State University in 2000, Masters of Science from University of Illinois at Chicago in 2002 and a Juris Doctor from Chicago-Kent College of Law in 2005. She was admitted to the bar of the State of Illinois in November of 2005 and to the bar of the United States District Court for the Northern District in January 2006. In March 2006, she became in-house counsel for the Laborers' Pension Fund and Laborers' Welfare Fund for the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity. Based on the foregoing, \$175.00 represents a fair and reasonable market rate for her in-house legal services to the Funds in this matter.


7. Charles Ingrassia received a Bachelor of Science Degree from Radford University in 2002 and a Juris Doctor from the University of Illinois College of Law at Urbana-Champaign in 2006. I was admitted to the bar of the State of Illinois in November of 2006 and to the bar of the United States District Court for the Northern District in July 2007. In July 2007, I became in-house counsel for the Laborers' Funds.

8. Based on the foregoing, \$150.00 represents a fair and reasonable market rate for my in-house legal services to the Funds in this matter.

9. **Exhibit C-1** attached hereto sets forth the time expended to date by in-house counsel on this matter. As set forth in that Exhibit, we have expended 11.40 hours totaling \$1,717.50 in attorneys' fees and \$544.60 in costs totaling \$2,262.10.

I, the undersigned, certify under penalty of perjury that the foregoing is true and correct.

Date: 3/17/08


Charles Ingrassia

Laborers Pension and Welfare Funds
 11465 Cermak Rd.
 Westchester, IL 60154

Invoice submitted to:
 B&M International Construction Inc.

March 17, 2008

Invoice #10068

Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
1/10/2008 CK	Review complaint, Conference with CI re: revisions	0.30 175.00/hr	52.50
1/11/2008 CI	Give Complaint to VC to file; Draft District Council letter and update charts	0.50 150.00/hr	75.00
1/9/2008 CI	Draft Complaint, including IWPA claim and conversion	4.00 150.00/hr	600.00
1/10/2008 CI	Review complaint, make corrections make copies and put exhibits together	0.50 150.00/hr	75.00
1/31/2008 CI	Conference with CK re: audit, speak with Pavel Malecki re: audit challenges	1.50 150.00/hr	225.00
2/28/2008 CI	Review what amounts have been paid to date	0.30 150.00/hr	45.00
3/4/2008 CI	Status hearing, letter to Paul Maledci	0.80 150.00/hr	120.00
3/10/2008 CI	Motion for Entry of Default Judgment	1.00 150.00/hr	150.00
3/11/2008 CI	Motion for Entry of Default Judgment	1.00 150.00/hr	150.00
3/17/2008 CI	Motion for Entry of Default Judgment	0.50 150.00/hr	75.00



3/17/2008
1:37 PMLaborers Pension and Welfare Funds
Billing Worksheet Invoice Summary

Page 1

Client	Billable: Fees	Unbillable: Fees	Interest Fin charge	Payments Credits	Prior bal
Last bill	Costs	Costs	Tax fees	Wrt offs	New charges
Last charge	Hours	Hours	Tax costs	Refunds	New A/R
					New bal
B&M International Construction	1717.50	0.00	0.00	0.00	0.00
3/17/2008	544.60	0.00	0.00	0.00	2262.10
10068	11.40	0.00	0.00	0.00	0.00
			0.00	0.00	2262.10
Grand Total	1717.50	0.00	0.00	0.00	0.00
	544.60	0.00	0.00	0.00	2262.10
	11.40	0.00	0.00	0.00	0.00
			0.00	0.00	2262.10

B&M International Construction Inc.

Page 2

	<u>Hrs/Rate</u>	<u>Amount</u>
3/13/2008 CI Motion for Entry of Default Judgment	1.00 150.00/hr	150.00
For professional services rendered	11.40	\$1,717.50
Additional Charges :		
1/11/2008 Photocopies of Complaint, etc.		9.60
Filing fee.		350.00
1/23/2008 Service of Summons and Complaint.		120.00
2/18/2008 Service of Summons and Complaint.		65.00
Total additional charges		\$544.60
Total amount of this bill		\$2,262.10
Balance due		\$2,262.10

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Charles Ingrassia	11.10	150.00	\$1,665.00
Christina Krivanek	0.30	175.00	\$52.50

CERTIFICATE OF SERVICE

The undersigned attorney of record certifies that he caused a copy of the foregoing Motion for Default Judgment in Sum Certain to be served upon the following person on March 17, 2008, via U.S. First Class Mail, postage pre-paid:

B & M International Construction, Inc.
c/o Zjawin Zbigniew, Employee and Agent
1010 N. Hoyne
Chicago, Illinois 60622

Pawel Malecki
Owner, B & M International Construction, Inc.
950 N. Milwaukee, Ste 209
Glenview, Illinois 60026

/s/ Charles Ingrassia